

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SATICOY BAY LLC, SERIES 7342
TANGLEWOOD PARK,

Plaintiff(s),

v.

SRMOF II 2012-1 TRUST, et al.,

Defendant(s).

Case No. 2:13-CV-1199 JCM (VCF)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Ferenbach. (Doc. # 39). No objections have been filed, and the deadline for filing objections has passed.

This case involves a dispute over a property that was subject to an HOA “super priority” lien. (Doc. # 36). On November 12, 2013, the parties filed a stipulation and proposed order to stay the transfer or sale of the subject property. (Doc. # 33). On February 28, 2014, the court granted plaintiff’s motion to stay the case pending the Nevada Supreme Court’s ruling as to whether foreclosure of an HOA superpriority lien extinguishes an earlier deed of trust. (Doc. # 36).

On November 18, 2014, plaintiff filed a motion to lift the stay. (Doc. # 37). Upon reviewing plaintiff’s motion and defendants’ response, Judge Ferenbach granted the motion and lifted the stay. (Doc. # 39). Judge Ferenbach also recommended that the court enter an order staying the transfer of the subject property in accordance with the parties’ prior stipulation. (Doc. # 39).

1 This court “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects
3 to a magistrate judge’s report and recommendation, then the court is required to “make a de novo
4 determination of those portions of the [report and recommendation] to which objection is made.”
5 28 U.S.C. § 636(b)(1).

6 Where a party fails to object, however, the court is not required to conduct “any review at
7 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
8 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
9 magistrate judge’s report and recommendation where no objections have been filed. *See United*
10 *States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
11 employed by the district court when reviewing a report and recommendation to which no
12 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz.
13 2003) (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district
14 courts are not required to review “any issue that is not the subject of an objection.”). Thus, if
15 there is no objection to a magistrate judge’s recommendation, then this court may accept the
16 recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting,
17 without review, a magistrate judge’s recommendation to which no objection was filed).

18 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
19 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
20 recommendation and underlying briefs, this court finds good cause appears to ADOPT the
21 magistrate judge’s findings in full.

22 Accordingly,

23 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
24 recommendation of Magistrate Judge Ferenbach, (doc. # 39), are ADOPTED in their entirety.

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1 IT IS FURTHER ORDERED that defendants shall not foreclose upon, and plaintiff shall
2 not sell, transfer, assign, encumber, or otherwise attempt to dispossess any interest in the subject
3 property during the pendency of this litigation or without further order of the court.

4 DATED January 29, 2015.

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6 UNITED STATES DISTRICT JUDGE
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